

HUMAN SERVICES BOARD

INTRODUCTION

A telephone status conference was held on November 27, 2007 with the petitioner and counsel from the Department of Aging and Independent Living (DAIL) to clarify the issues raised in petitioner's request for fair hearing. Petitioner is an individual with disabilities. Petitioner believes that his rights have been violated mainly due to the way other clients at Howard Center for Human Services (Howard Center) are treating him and that the Howard Center is not preventing these actions. Petitioner wants money damages and he wants action from the Howard Center. It was not clear from petitioner what was happening with the appeal process through the Howard Center. Petitioner was provided contact information for Vermont Legal Aid, Inc. and for Adult Protective Services.

A second telephone status was held on January 7, 2008. Petitioner is now being represented by the Disability Law Project regarding the internal appeal or grievance process at the Howard Center. Petitioner is still interested in money damages.

ORDER

The petitioner's request for fair hearing is dismissed.

REASONS

The Human Services Board was created by the Legislature to hear certain types of cases. The law states at 3 V.S.A. § 3091(a) that the following people can ask for fair hearings:

An applicant for or a recipient of assistance, benefits, or social services from the department for children and families, the office of Vermont health access, and the department of disability, aging and independent living, the division of mental health of the department of health, or an applicant for a license from one of those departments or offices . . . may file a request for a fair hearing with the human services board. An opportunity for a fair hearing will be granted to any individual requesting a hearing because his or her claim for assistance, benefits, or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his or her receipt of assistance, benefits or services, or license or license application; or because the individual is aggrieved by agency policy as it affects his or her situation.

The petitioner wants to sue for money damages. The Board does not have the jurisdiction or authority to hear

cases in which a person is asking for money damages because he believes his rights have been violated.¹

The petitioner also wants to take action involving the Howard Center. He is now represented by an attorney who can help him with the Howard Center's administrative process.

The petitioner has not stated a claim regarding any action or policy of the Department of Aging and Independent Living (DAIL). Because there is no claim against DAIL, the request for fair hearing is dismissed because there is no claim that can be heard by the Board.

Petitioner's request for fair hearing should be dismissed because the Board does not have the jurisdiction to hear a personal injury claim and because the Board does not have a claim before it regarding DAIL.

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¹ Petitioner has been given information about the lawyer referral service so he can look for a personal injury lawyer.